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November 6, 2017

VIA E-MAIL

Christopher M. Placitella
Cohen, Placitella & Roth, P.C.
127 Maple Avenue
Red Bank, NJ 07701

Re: *Kimberlee Williams, et al. v. BASF Catalysts LLC, et al.*

Dear Chris:

I write in response to the letter you sent earlier today.

As you are aware, the November 1, 2017 meet-and-confer raised numerous questions—ranging from whether plaintiffs can in good faith include putative class members in Mississippi to how many experts plaintiffs expected for class. Your e-mails of November 3 and 4 asking to “continue conversations” with me gave no indication of what you wanted to discuss or why the meeting needed to be in person. You also gave no indication that counsel for the Bevan Law Firm would be involved in any proposed meeting. Indeed, the note seemed to be more of a personal request, as it was not copied to any other counsel on either side, and you said you would “prefer that the meeting be just you and me.” Your vague emails to me certainly did not serve to address the Bevan document issues.

Of course, my letter of earlier today was also addressed to Bevan’s counsel, who will also need to respond to my inquiries and be a part of any additional conversations, to the extent that you wish to discuss the Bevan issues. As of this time of this letter, I have not heard from Mr. Little on any of these matters. But, in any event, we do not need to meet in person for you to respond to the questions set forth in my letter regarding the electronic versions of Bevan’s files. To the contrary, your written responses would necessarily inform any further conversations that we may have on this issue. We can then decide whether an additional meet-and-confer is necessary.

Regardless of our future plans to meet-and-confer, it bears emphasis that any discussion about how you choose electronic files for production should not distract from the significance of addressing the representations to the Court regarding the status of the Bevan files and the purported burdens associated with reviewing and producing those files. Please let us know whether and

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when we can expect a written response to our questions. Absent a prompt and complete response, we do not believe that the parties can sit on this information without informing the Court.

I am, of course, pleased to meet with you in person after getting your responses, but I certainly do not believe that our conflicting schedules for an in-person meeting should excuse you from addressing the questions posed or affect our need to correct the record with the Court.

Sincerely,

/s/ Eugene F. Assaf, P.C.

Eugene F. Assaf, P.C.

cc: Brendan E. Little
Counsel for all parties